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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,797	11/06/2000	Martin Kordsmeyer	P00,1794	5189
29177	7590	09/22/2004		
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			EXAMINER SMITH, SHEILA B	
			ART UNIT 2681	PAPER NUMBER 11
DATE MAILED: 09/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,797

Applicant(s)

KORDSMEYER ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over WO98/11759 hereforth referred to as US equivalent Kamperschroer et al. (U.S. Patent Number 6,539,033).

Regarding claims 1, 4, Kamperschroer et al. discloses essentially all the claimed invention as set fourth in the instant application, further Kamperschroer et al. discloses method for the transmission of data in a hybrid telecommunication system, in particular an "ISDN & RLARR; dect-specific RLL/WLL" system. In addition Kamperschroer et al. discloses method for transmitting service data in predefined radio interface protocol between telecommunication devices, comprising the steps of: transmitting said service data in protocol data units predefined by said radio interface protocol (which reads on column 1 lines 9-12), transmitting a service data unit configured at least as a fragment in each protocol data unit independently of the size of said service data unit (which reads on column 2 lines 6-12), which is configured at least as a fragment, in comparison with the size (which reads on volume) of a free part of said each protocol data unit which is in each case not yet occupied by service data, specifying, in each case (which reads on column 2 lines 4-12), of a respective said service data unit configured at least as a fragment (which reads on column 2 lines 4-12), by a first information item allocated to said protocol data unit (InterWorking Unit IWU1) , specify in each case an end of said

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respective service data unit by a third information item allocated to said protocol data unit (which reads on column 2 lines 10-12), together with said second information item in said protocol data unit with said transmission of service data is ended at least temporarily (which reads on column 4 lines 40-45). However Kamperschroer et al. fails to disclose a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length.

Kamperschroer et al. discloses the claimed invention except for a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to a service data length, which differs from the value "zero", and specifying or allocating a fourth information item corresponding to the value "zero" of the service data length, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 2, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1) additionally, Kamperschroer et al. discloses a step of transmitting in protected manner said service data (which reads on column 5 lines 63-65).

Regarding claim 3, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1) additionally, Kamperschroer et al. discloses arranging said first information item, said second information item and said third information item in front of said service data unit

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which is at least configured as a fragment (which reads on volume), in said respective protocol data unit (which reads on column 2 lines 6-12).

Regarding claim 5, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1) additionally, Kamperschroer et al. discloses wherein said data in telecommunication systems is voice or packet data in DECT systems (which reads on column 6 lines 32-34).

Regarding claim 6, Kamperschroer et al. discloses everything claimed, as applied above (see claim 1) additionally, Kamperschroer et al. discloses wherein said service data is ended at least temporarily within said protocol data unit (which reads on column 4 lines 40-45).

Response to Arguments

2. Applicant's arguments filed 6/21/04 have been fully considered but they are not persuasive.

Regarding applicants arguments concerning the cited prior art not teaching "transmitting a service data unit configured at least as a fragment in each protocol data unit independently of the size of said service data unit" the examiner contends that Kamperschroer et al. discloses transmitting a service data unit configured at least as a fragment (which reads on a first volume of data), and a fragment (first volume) in each protocol data unit independently of the size of said service data unit (which reads on the data is transmitted in a single data block).

Regarding the applicants argument that the data blocks of Kamperschroer does not function in the same way as the protocol data, the examiner contends the applicant hasn't defined in the claims the difference in the protocol data therefore the examiner still reads the data blocks on the protocol data.

Regarding claims 11,17,19 and 20, in the applicant arguments these claims are referred to as being amended the examiner contends that these claims are not a part of this application.

The examiner standby and restates the above rejection.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith

September 20, 2004


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600